

REMARKS

Claims 1-2, 4, and 6 are pending in this application. By this Amendment, claims 1-2 and 6 are amended and claim 5 is canceled. No new matter is added.

Applicant thanks the Examiner for the indication that claims 5 and 6 would be allowable if rewritten in independent form. Applicants have rewritten claim 2 in independent form to include the subject matter of claim 5. Also the dependency of claim 6 is corrected.

The Office Action rejects claim 1 under 35 U.S.C. § 102(b) as being anticipated by Wieclawski (U.S. Patent No. 5,795,019). This rejection is traversed as it may apply to the amended claims.

Claim 1 is amended to even more clearly define the presently claimed invention over Wieclawski. That is, the urging member urges the head rest frame in the backward tilting direction from a rear portion of the head rest frame to a forward direction. In contrast, in Wieclawski, the spring 40 urges downward the rear portion of the upper portion 30 (Fig. 4).

Furthermore, in the presently claimed invention, the head rest holder has a rear surface facing backward, and an upper end of the seat back frame has a front surface facing forward, the rear surface is brought into contact with the front surface. In contrast, in Wieclawski, the lower surface of the head rest frame is brought into contact with the upper surface of the seat back frame.

For at least the above reasons, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C 102(b) are respectfully requested.

The Office Action also rejects claims 2 and 4 under 35 U.S.C. § 103(a) as being obvious over Wieclawski in view of Viano et al. (U.S. Patent No. 5,378,043). As discussed above, Applicants have amended claim 2 in independent form to include the subject matter of claim 5, which has not been rejected. As claim 4 depends from claim 2, it is respectfully submitted that the rejection of claims 2 and 4 is rendered moot. Reconsideration and withdrawal of the rejection of claims 2 and 4 under 35 U.S.C. § 103(a) are thus respectfully requested.

Conclusion

In view of the above remarks and amendments, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance is earnestly solicited. Should the Examiner believe anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicant respectfully petitions for an appropriate extension of time. The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to Counsel's Deposit Account 01-2300, referring to client-matter number 108421-00026.

Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, making references to attorney docket 108421-00026.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert K. Carpenter", written over a horizontal line.

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